

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

10-6-90/LA

The following Notification received from the Government of India, Ministry of Environment and Forests (Department of Environment, Forests and Wildlife), New Delhi, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).
Panaji, 1st February, 1991.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wild Life)

Notification

New Delhi, the 15th December, 1990

S.O. 944 (E). — In exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2), of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, after considering the need for protecting the coastal areas and for ensuring that the use and activities in the coastal areas are consistent with the principles and requirements of environmental conservation, hereby proposes to declare that the coastal stretches of seas, bays, estuaries and creeks which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line and the land between the Low Tide Line and the High Tide Line as Coastal Regulation Zone and to impose the following restrictions on the setting up of industries, operations or processes etc. in the said Coastal Regulation Zone, namely:—

2. Prohibited Activities

The following activities are declared as prohibited with the Coastal Regulation Zone, namely:—

- (i) setting up of industries except those directly related to sea front or directly needing foreshore facilities;
- (ii) manufacture or handling or storage or disposal of hazardous substances as

specified in the Notifications of the Govt. of India in the Ministry of Environment and Forests No. S. O. 594 (E) dated 28th July, 1989 S. O. 966 (E) dated 27th November, 1989 and GSR 1037 (E) dated 5th December, 1989;

- (iii) fish processing units including warehousing;
- (iv) setting of units/mechanisms for disposal of wastes and effluents;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements;
- (vi) dumping of municipal waste for the purposes of landfilling or otherwise;
- (vii) dumping of ash from thermal power stations;
- (viii) bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion;
- (ix) land reclamation, mining of sands, rocks and other substrate materials;
- (x) harvesting or drawal of ground water and constructions or mechanisms thereof for such purpose.
- (xi) construction activities in ecologically sensitive areas as specified in Annexure;
- (xii) any construction activity between the Low Tide Line and High Tide Line; and
- (xiii) dressing or altering of sand dunes, hills, natural features including landscape changes for beautification, recreational and other such purposes;

3. Regulation of Permissible Activities.

All other activities, except those prohibited in para 2 above, will be regulated as under:

- (1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it is proved conclusively that such activity cannot be located beyond the zone.

(2) The following activities will require clearance from the Ministry of Environment and Forests, Government of India, namely: —

- (i) Construction activities related to Defence requirements for which foreshore facilities are essential (e. g. slipways, jetties etc.);
- (ii) operational constructions for ports and harbours and light houses requiring water frontage;
- (iii) thermal power plants; and
- (iv) all other activities with investment exceeding rupees five crores.

(3) (i) The coastal States and Union Territory Administration shall prepare Coastal Zone Management Plans identifying and classifying the coastal stretches within their respective territories in accordance with the guidelines given in Annexure-I and obtain approval of the Central Govt. in the Ministry of Environment and Forests and incorporate these in the relevant statutes and regulations on land use etc.

(ii) Within the frame work of such approved plans, the activities not covered in para 2 and para 3 (2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be, in accordance with the norms given in annexure-I.

4. Procedure for monitoring and enforcement.

The Ministry of Environment and Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the amended provisions of this notification.

5. Inviting objections.

It is notified under clause (b) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, that any person interested in filing any objection against the proposed direction, may do so in writing to the Secretary in the Department of Environment, Forests and Wildlife, Ministry of Environment and Forests, Government of India, New Delhi, within sixty days from the date of publication of this notification in the official Gazette.

[No. K-15019/T/84-IA-III (Vol. II)]

MAHESH PRASAD, Secy.

ANNEXURE I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone:

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely: —

Category I (CRZ-I):

Areas that are ecologically sensitive and important, such as national parks, sanctuaries, reserve

forests, mangroves, corals, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty and such other areas as are notified by the Central Government or the concerned authorities at the State/UT level from time to time.

Category II (CRZ-II):

The areas that have already been developed upto or close to the shore-line. For this purpose, "developed area" is referred to as that area within the municipal limits which is already substantially built up and which has been provided with drainage and approach road and other infrastructural facilities, such as water supply and sewerage mains.

Category III (CRZ-III):

Areas that are relatively undisturbed and those which do not belong to Category-I & II. These will include coastal zone in the rural areas (developed and undeveloped) and areas within municipal limits where substantial development has not taken place.

Category IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar and Lakshadweep island except those designated as CRZ-I, CRZ-II and CRZ-III.

Norms for Regulation of Activities:

6(2) The development or construction activities in different categories of coastal stretches shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

No new construction permitted within 500 metres of the High Tide Line.

CRZ-II

- (i) Where there is a road separating the beach and the area proposed to be developed, new constructions be permitted only on the landward side of the existing road, subject to the local Town & Country Planning Regulations including the existing norms for FSI/FAR.
- (ii) Where there is no road separating the beach area and the surrounding development, construction of building shall not be allowed on the sea-ward side of the existing structures subject to the local Town and Country Planning Regulations.
- (iii) Reconstruction of the authorised buildings to be permitted subject to compliance with the existing FSI/FAR norms and without change in the existing use.
- (iv) The design and construction of buildings should merge with the local architecture and landscape.

CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No development zone' and no construction shall be permitted within this zone.

- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line permitted for construction of lodging houses/hotel/beach resorts/holiday homes subject to the conditions as stipulated in the guidelines at Annexure-II.
- (iii) Construction / reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses. Building permission for such construction/reconstruction will be in accordance with the guidelines at Annexure II.
- (iv) Reconstruction/alterations of an existing authorised buildings permitted subject to (i) to (iii) above.

CRZ-IV

Andaman & Nicobar Islands:

- (i) No construction of buildings shall be permitted within the 200 metres of the HTL;
- (ii) The buildings between 200 and 500 metres from the High Tide Line should not have more than 2 floors (ground floor and 1st floor), the total covered area should not be more than 50 per cent of the plot size and the total height of construction should not exceed 9 metres;
- (iii) The design and construction of buildings should merge with the local architecture and landscape;
- (iv) Corals and sand from the beaches and coastal waters should not be used for construction purposes;
- (v) Dredging and underwater blasting in and around coral formations should not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, and in such designated stretches, the appropriate regulations given for respective Categories would apply.

Lakshadweep Islands

- (i) For permitting construction of buildings, the distance from the High Tide Line should be decided depending on the size of the islands. This should be laid down for each island in consultation with the experts keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL should not have more than 2 floors

(ground floor and 1st floor), the total covered area should not be more than 50 per cent of the plot size and the total height of construction should not exceed 9 metres;

- (iii) The design and construction of buildings should merge with the local architecture and landscape;
- (iv) Corals and sand from the beaches and coastal waters, should not be used for construction purposes.
- (v) Dredging and underwater blasting in and around lagoons as coral formations should not be permitted; and,
- (vi) However, in some of the Islands, coastal stretches may also be classified into categories CRZ-I or II or III. In such designated stretches, the appropriate regulations given for respective categories would apply.

ANNEXURE II

Guidelines for beach resorts/hotels/lodging houses in the coastal stretches.

7(1) Construction of beach resorts/hotels/lodging houses in the coastal stretches will be subject to the following conditions: —

- (i) The project proponents will not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the low tide and high tide line;
- (ii) The covered area should not exceed 33 per cent of the plot size. The open area should be suitably landscaped with appropriate vegetal cover.
- (iii) The construction should be consistent with the surrounding landscape and local architectural style.
- (iv) The overall height of construction should not exceed 9 metres and the construction should not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water should not be tapped within 500 metres of the HTL without the concurrence of the Central/State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool and basement, should not be permitted within 500 metres of the High Tide Line;

(vii) The quality of treated effluents, solid wastes, emissions and noise level etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;

(viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach;

(ix) To allow public access to the beach, atleast a gap of 20 metres width should be provided between any two plots; and

(x) If the project involves diversion of forests for non-forest purpose, clearance as required under the Forest (Conservation) Act, 1980 should be obtained. The requirements of other Central and State laws as applicable to the project should also be met with.

7.(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as notified by the Central/State Government), construction of beach resorts/hotels/lodging houses shall not be permitted.

MAHESH PRASAD, Secy.